

Commission for the Stewardship of Public Lands

2017 Report to the Natural Resources, Agriculture, and Environment Interim Committee

Items studied and actions taken by the Commission for the Stewardship of Public Lands (the commission) during the 2017 interim are summarized below. Supplemental information and minutes of commission meetings can be found on the commission's website¹.

STATE JURISDICTION OVER FEDERALLY CONTROLLED LAND IN UTAH

Background

Approximately 60% of the public land in Utah is controlled by the United States (U.S.), providing the U.S. a certain level of jurisdiction: exclusive; concurrent; or a proprietary interest. Concerns have arisen regarding the extent of the state's jurisdiction over these federally controlled lands, and from where does the U.S.'s and state's respective jurisdiction derive.

Findings/Actions

- Found that the U.S. has a proprietary interest over the vast majority of land it controls in Utah.
- Requested a report that explains jurisdiction and from where the state's jurisdiction derives.

UTAH WILDFIRES

Background

The commission received a report from the Division of Forestry, Fire, and State Lands regarding the number and impact of wildfires during 2017, and watched a video prepared by Representative Noel on the Dixie National Forest fire.

Findings/Actions

- Recommended that the Division of Forestry, Fire and State Lands contact the Executive Appropriations Committee (EAC) when the state's portion of wildfire costs exceeds \$2

million. Submitted a letter to the EAC informing members of this recommendation.

- Recommended that the Division of Forestry, Fire and State Lands:
 - update their existing brochure that lists financial programs available to individuals and businesses impacted by wildfires; and
 - distribute the brochures to those impacted by each wildfire.

REPORT FROM THE DIVISION OF OIL, GAS AND MINING

Background

The Legislature passed H.B. 276, Utah Public Lands Management Act (Act), during the 2017 General Session, which creates an administrative framework in the event the state obtains ownership of land currently under U.S. control. The Act also required the Division of Oil, Gas and Mining (DOGM) to present recommendations to the commission for how the state should manage oil, gas, and mining issues for lands subject to the Act.

Findings/Actions

- The DOGM's report² recommended the following:
 - allow a transition period for retooling DOGM databases to accommodate information from the Bureau of Land Management;
 - identify and clarify the application of other federal land management laws and requirements on any documents, orders, or directives regarding land transfer;
 - allow for funding of new responsibilities on land that is transferred; and
 - consider a pilot project of land transfer to "debug" the transfer process on a smaller scale.
- Submitted a letter to the DOGM requesting research and a report describing how the state

¹ <https://le.utah.gov/asp/interim/Commit.asp?Year=2017&Com=SPES PL>

² <https://le.utah.gov/interim/2017/pdf/00003263.pdf>

can assume federal duties related to the administration of mineral programs.

NATIONAL MONUMENTS

Background

President Barack Obama designated the Bears Ears National Monument in 2016. After President Donald Trump took office in 2017, he ordered Ryan Zinke, Secretary of the Interior, to review the Bears Ears designation and the designation of other national monuments, including the Escalante-Grand Staircase National Monument.

Findings/Actions

- The chairs of the commission submitted two letters related to the Bears Ears National Monument, arguing that:
 - the proclamation declaring the monument is an illegal use of the Antiquities Act;
 - the proclamation process was flawed;
 - the monument would unreasonably restrict the use of public lands and have a negative impact on the economic development of San Juan County;
 - the federal government does not have sufficient resources available to properly manage such a large monument; and
 - the national monument designation should be rescinded.
- The chairs submitted another letter related to the Grand Staircase-Escalante National Monument, arguing that:
 - the monument's size is inappropriate and too large;
 - the proclamation process was flawed; and
 - the boundaries should be redrawn to a more appropriate size.
- Secretary Zinke's reports to President Trump recommended that the Bears Ears and Escalante-Grand Staircase monuments could both be reduced in size.

RESOURCE MANAGEMENT PLANS

Background

In the 2015 and 2016 General Sessions, the Legislature enacted and amended provisions related to county resource management plans, which provide for the protection, conservation, development, and managed use of resources that are critical to Utah citizens. The committee received progress reports during the interim from the Public Lands Policy Coordinating Office (PLPCO). PLPCO helped counties create their respective plans and developed the statewide resource management plan.

Findings/Actions

- All of Utah's 29 counties have adopted a resource management plan.
- PLPCO anticipates that the statewide resource management plan will be complete by the end of 2017. The commission will ultimately make a recommendation on the statewide plan, which will then be brought to the Legislature for consideration during the 2018 General Session.

WILD HORSES AND BURROS

Background

The National Wild Horse and Burro Summit took place in Utah in August 2017. The commission received a briefing from the Department of Natural Resources describing the topics and outcomes of the summit.

Findings/Actions

- Submitted a letter for the National Wild Horse and Burro steering committee to distribute to federal policy leaders in support of addressing the overpopulation of wild horses and burros and using all available management tools.

WASATCH WATERSHED AND EXTRATERRITORIAL JURISDICTION

Background

At the commission's December 20, 2016 meeting, the Utah Quality Growth Commission presented issues related to the Wasatch watershed and extraterritorial jurisdiction over water rights. The commission directed the Quality Growth

Commission to study the issue further and report its findings in 2017.

Findings/Actions

The Quality Growth Commission's report³ recommended that the Legislature:

- appoint a body of subject-matter experts to review extraterritorial jurisdiction issues;
- consider financial solutions that could alleviate conflicts between property owners who have sought to develop property but have been unable to because of development restrictions within the watershed; and
- investigate the broader issue and potential concerns related to watershed health as part of this investigation.

PUBLIC LANDS PRIORITIES

Background

The chairs distributed a list⁴ of potential public lands policy issues and policy changes for the commission members to consider.

Findings/Actions

- Commission members will submit their prioritized lists which will be discussed and compiled into a final list at the commission's November 14 meeting.

BUREAU OF LAND MANAGEMENT PERMIT ADMINISTRATION

Background

The commission discussed a constituent letter that raised a concern regarding the inconsistency with which the Bureau of Land Management (BLM) administers its various permit processes.

Findings/Actions

- Submitted a letter to the Utah BLM Director asking for greater consistency among the various Utah BLM offices regarding the administration of their permit processes.

³ <https://le.utah.gov/interim/2017/pdf/00004281.pdf>

⁴ <https://le.utah.gov/interim/2017/pdf/00004544.pdf>